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SENATE BILL 2861 By
McNally

HOUSE BILL 2967
By Jackson

AN ACT to amend Tennessee Code Annotated, Section 49-5-413,
relative to investigating applicants for teaching and other
school related positions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-413, is amended by deleting the
section in its entirety and substituting instead the following:

(a) As used in this section, "qualified Tennessee licensed private investigation
company" means a company that is licensed by the Department of Commerce and
Insurance, insured with at least three million dollars (\$3,000,000) worth of errors and
omissions insurance and carries sufficient indemnification coverage.

(b) In addition to the requirements of § 49-5-406, a local board of education shall
require any person applying for a position as a teacher and any person applying for any
other position requiring proximity to school children to:

(1) Agree to the release of all investigative records to the board for
examination for the purpose of verifying the accuracy of criminal violation
information as required by § 49-5-406(a)(1)(A); and

(2) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation; and/or

(3) Sign an authorization and release form provided by the board, authorizing a qualified Tennessee licensed private investigation company by and on behalf of the board to complete a criminal history records check.

(c) Any reasonable costs incurred by the Tennessee bureau of investigation in conducting such investigation of an applicant shall be paid by the applicant the first time such applicant applies for a position with a local board of education. The applicant shall be provided a copy of all criminal history records check documentation provided to the local board of education to which the applicant first applies. In lieu of additional criminal history records checks for subsequent applications, the applicant may submit copies of the applicant's initial criminal history records check documentation and shall not be required to pay any additional costs. Any local board of education may reimburse the applicant for the costs of the investigation if the applicant accepts a position as a teacher or any other position requiring proximity to school children. Any local board of education may establish a policy authorizing payments for investigation of an applicant who provides school maintenance, clean up, food service and other such functions other than administrative or teaching functions or duties. A local board of education may pay for an investigation of such applicant regardless of whether the applicant accepts an offer for employment with such board of education.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.